

Serial No. 10/662,956

REMARKS

The Applicants and the undersigned thank Examiner Loney for his careful review of this application and especially for his time and consideration given during the telephonic interview of November 30, 2004. A summary of this telephonic interview is provided below. Applicants acknowledge receipt of the Examiner's Interview Summary Form (PTOL-413) mailed on December 6, 2004.

Claims 14-28 have been rejected by the Examiner. Upon entry of this amendment, Claims 14-28 remain pending in this application. The independent claims are Claims 14, 19, and 24.

Consideration of the present application is respectfully requested in light of the above claim amendments to the application, the telephonic interview, and in view of the following remarks.

Summary of Telephonic Interview of November 30, 2004

Applicants acknowledge receipt of the Examiner's Interview Summary Form (PTOL-413) mailed on December 6, 2004. The Applicant and the undersigned thank the Examiner for his time and consideration given during the telephonic interview of November 30, 2004. During this telephonic interview, a proposed amendment to the claims was discussed. The Applicant provided the proposed amendment to the claims in advance of the interview.

The Applicants' representative provided his thoughts on the proposed changes to the claims. It was explained that the Bogar and Brewer references (that were also relied upon by the Examiner in the parent application that matured into a U.S. Patent) failed to describe or suggest at least one suction cup coupled to a base wall of a substantially cylindrical cavity and enclosed by the substantially cylindrical cavity, wherein the contacting edge of the suction cup extends below the bottom surface of the material in a non-contacting state. Because these references failed to teach the substantially cylindrical cavity, it was explained that these references failed to provide the added benefit of additional mat stability when the mat surface is compressed enough to create a pressure differential within the recession.

Serial No. 10/662,956

The Applicant and the undersigned request the Examiner to review this interview summary and to approve it by writing "Interview Record OK" along with his initials and the date next to this summary in the margin as discussed in MPEP § 713.04, p. 700-202.

Objection to the Claims

The Examiner objected to Claims 17, 18, 22, and 23 as containing some informalities. Specifically, the Examiner stated that some terms of these claims lacked proper antecedent basis. In response to these objections, the Applicants have amended the claims in accordance with the Examiner's helpful suggestions. Therefore, reconsideration and withdrawal of these objections are respectfully requested.

Double Patenting Rejections

The Examiner rejected Claims 14-28 under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claims 6 and 7 of U.S. Pat. No. 6,726,190 (that is commonly owned with the present application). In response to this rejection, the Applicants are submitting the attached terminal disclaimer. The Applicants remind the Examiner that the filing of a terminal disclaimer is not an admission, but the filing of this document does obviate or is grounds for removing a double patenting rejection. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102(b) & 103(a)

The Examiner rejected Claims 14-17, 19-22, and 24-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,076,976 to Bogar (hereinafter "the Bogar reference"). The Examiner rejected Claims 14, 16, 19, 21, 24, and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,084,126 to Brewer et al. (hereinafter "the Brewer reference"). The Examiner also rejected Claims 18, 23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over the Bogar reference.

The Applicants respectfully offers remarks to traverse these pending rejections. The Applicants will address each independent claim separately as the Applicants believe that each independent claim is separately patentable over the prior art of record.

Serial No. 10/662,956

Claim 14

It is respectfully submitted that the Bogar and Brewer references fail to describe, teach, or suggest the recitations of amended independent Claim 14. Specifically, these references fail to describe or suggest a combination of a (1) substantially cylindrical cavity having (2) at least one side wall and (3) a base wall formed within a surface of a material; (4) a suction cup with a contacting edge formed by the material, (5) the suction cup being coupled to the base wall of the substantially cylindrical cavity and enclosed by the substantially cylindrical cavity, and (7) the contacting edge projecting below the surface of the material in a non-contacting state, as recited in amended Claim 14

Figure 3 of the Bogar reference depicts a suction cup (22) within a recess or cavity (21). Col. 2, ll. 24-31. However, the recession of the Bogar reference is a an edge-to-edge channel that runs "in a direction lengthwise of the mat." *Id.* In contrast, Claim 14 recites a substantially cylindrical cavity. The substantially cylindrical shape of the cavity recited by Claim 14 is significant, because, the cavity can provide additional mat stability when the mat surface is compressed enough to create a pressure differential within the cavity. This aspect of the invention is fully supported by the specification:

"As the force over a particular recession increases, if the force is sufficiently large, the suction cup will deform itself into the recession, and the recession itself will receive a compression force that will create a low pressure area or near vacuum inside the recession being impacted against the surface on which the mat rests. At the same time, as a results, the low pressure areas of both the recessions and suction cups then create forces that act to oppose the lateral movement of the mat that would otherwise result from the applied force."

Application, p. 2, ll. 25-30. The edge-to-edge channels described in the Bogar reference simply cannot provide this supplemental force to oppose lateral forces on a mat. Indeed, the Bogar reference states that the channels "may be interconnected to provide a continuous groove for the suction cups, if desired." Col. 2, ll. 29-31. Accordingly, it is clear that the Bogar reference does not teach a substantially cylindrical cavity, as recited by Claim 14.

Additionally, the channels in Bogar exists merely to contain the volume of the suction cup when the suction cup receives a compression force. In contrast, the substantially cylindrical

Serial No. 10/662,956

cavity of the present invention provides additional resistance to downward pressure on the mat. The problem with prior art mats that do not provide a resistive cavity is described in the Background of the Invention section of the specification: "[t]raditional suction cups also result in a wavy mat surface which is more difficult for individuals and loads to traverse." Application, p. 2, ll. 9, 10. Moreover, the resistive benefits of the substantially cylindrical cavities are well-documented in the specification:

"Another advantage is that the recessions provide some additional cushioning for pedestrians and vehicular traffic. Another advantage is that the cushioning of the recessions and suction cups yields an anti-fatigue effect, thereby resulting in reduced wear and tear and routine maintenance and increased user comfort, especially for locally stationed employees standing for long period[s] of time on the mat."

Application, p. 4, ll. 11-15. The edge-to-edge channels of the Bogar reference simply cannot perform this function, because the Bogar channels provide no additional resistance to a downward force and cannot provide an anti-fatigue effect.

The Examiner asserts that the Brewer reference teaches a two layer mat with a suction cup (12) in the cavities (10) in the bottom layer. However, the portion of the Brewer device that is identified by the Examiner as a cavity, item 10, is not substantially cylindrical. Figure 3 of Brewer depicts a dome-shaped cavity (10) with a suction cup (12) located therein. However, because the cavity (10) of the Brewer reference is not substantially cylindrical, it cannot provide the advantages described above in connection with the substantially cylindrical cavity recited by amended Claim 14.

Moreover, amended Claim 14 recites a contacting edge projecting below the surface of the material in a non-contacting state. The suction cup (12) of the Brewer reference is suspended within the cavity (10), such that the contacting edge of the recess does not extend below the bottom surface of the mat. Accordingly, the contacting edge of the Brewer cavity (10) comes into contact with a surface (e.g., a floor) before the contact edge of the suction cup would contact the surface. This is exactly the opposite of the mat described in Claim 14.

Because the suction cup recited in Claim 14 has a contacting edge that extends below the surface of the material, the cavity can provide a supplemental suction and a resistive force, when

Serial No. 10/662,956

additional downward pressure is applied to the mat. Clearly, the cavity (10) of the Brewer reference cannot perform these functions.

Notably, although the Bogar reference depicts a suction cup (22) having a contacting edge that extends below the bottom surface of the mat, the Bogar reference does not describe or suggest a substantially cylindrical cavity, as stated above. Accordingly, the suction cup and cavity combination of the Bogar reference cannot provide the same benefits as the combination recited by Claim 14, despite the fact that the contacting surface of the Bogar suction cup extends beyond the bottom surface of the mat.

Because the Brewer and Bogar references do not describe or suggest each and every recitation of amended, independent Claim 14, the Applicants respectfully request the withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103. Reconsideration and allowance of the independent Claim 14 are respectfully requested.

Claim 19

It is respectfully submitted that the Bogar and Brewer references fail to describe, teach, or suggest the recitations of amended independent Claim 19. Specifically, these references fail to describe or suggest a combination of (1) a substantially cylindrical hollow region having at least a (2) base portion and a (3) lateral portion formed within a surface of a material; and a (4) suction cup with an (5) edge for contacting surfaces formed by the material and (6) coupled to the base portion of the substantially cylindrical hollow region and enclosed by the substantially cylindrical hollow region, the edge for contacting surfaces (7) projecting below the surface of the material in absence of any surfaces, as recited in amended Claim 19.

Similar to the arguments presented for the discussion of independent Claim 14, the substantially cylindrical shape of the hollow region recited by Claim 19 is significant, because, the hollow region can provide additional mat stability when the mat surface is compressed enough to create a pressure differential within the region.

Because the Brewer and Bogar references do not describe or suggest each and every recitation of amended, independent Claim 19, the Applicants respectfully request the withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103. Reconsideration and allowance of the independent Claim 19 are respectfully requested.

Serial No. 10/662,956

Claim 24

It is respectfully submitted that the Bogar and Brewer references fail to describe, teach, or suggest the recitations of amended independent Claim 24. Specifically, these references fail to describe or suggest the combination of (a) forming a substantially circular recession with a wall and a base in a material; (b) forming a suction cup having a contacting edge with the material; (c) attaching a convex surface of the suction cup to the base of the substantially circular recession so that the contacting edge projects below the surface of the material in an uncompressed state; (d) coupling a concave surface of the suction cup to a surface; and (e) enclosing the entire suction cup with the substantially circular recession when the material is compressed, as recited in amended Claim 24.

Similar to the arguments presented for the discussion of independent Claims 14 and 19, the substantially circular recession of the wall and base recited by Claim 24 is significant, because, the circular recession can provide additional mat stability when the mat surface is compressed enough to create a pressure differential within the recession.

Because the Brewer and Bogar references do not describe or suggest each and every recitation of amended, independent Claim 24, the Applicants respectfully request the withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103. Reconsideration and allowance of the independent Claim 24 are respectfully requested.

Dependent Claims 14-18, 20-23, and 25-28

The Applicants respectfully submit that the above-identified dependent claims are allowable because the independent claims from which they depend are patentable over the cited references. The Applicants also respectfully submit that the recitations of these dependent claims are of patentable significance.

In view of the foregoing, the Applicant respectfully requests that the Examiner withdraw the pending rejections of dependent Claims 14-18, 20-23, and 25-28.

CONCLUSION


The foregoing is submitted as a full and complete response to the Office Action mailed on August 25, 2004. The Applicants and the undersigned thank Examiner Loney for his time

Serial No. 10/662,956

and consideration during the telephonic interview of November 30, 2004 and his consideration of these remarks. The Applicants have amended the claims and have submitted remarks to traverse rejections of Claims 14-28. The Applicants respectfully submit that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned in the Atlanta Metropolitan area (404) 572-2884.

Respectfully submitted,


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